

## FACSIMILE TRANSMITTAL COVER SHEET

DATE: February 22 2012  
TO: DEP - Kerry Dawson  
FAX#: 207-287-2814  
FROM: Joseph & Michele Greenier  
37 PAGE(S) + COVER SHEET  
RE: Appeal for Verso Bucksport  
OUR FILE #: \_\_\_\_\_

## COMMENTS:

CORE VALUES  
FOR MAINE

Respect  
Honesty  
Compassion  
Fairness  
Responsibility  
Courage  
- Being compassionate  
towards others

Dear Kerry Dawson,  
Per our conversation with you yesterday  
by phone, we are faxing you the appeal and  
Exhibits # 1 - 13.

Sincerely,  
Michele Greenier  
Joseph H. Greenier

THIS COMMUNICATION IS CONFIDENTIAL AND INTENDED TO BE PRIVILEGED PURSUANT TO APPLICABLE LAW. THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

call If you do not receive this complete transmission, please

By fax:1-207-287-2814

To: Board of Environmental Protection, Susan Lessard

Department of Environmental Protection, Patricia Aho

Verso Bucksport, LLC

Dear Susan Lessard, Chair of BEP,

As Concerned Citizens, we are requesting on Appeal and Public Hearing for the Verso Bucksport LLC Special Waste Landfill # S-007713-WD-BB-A, stamp filed on January 23, 2012 and received on January 24, 2012, as an aggrieved person. When corporations including Verso Bucksport, pollutes the air we breathe and dumps chemicals into the landfill(s) which contaminates the water supply, then the citizens of Maine are all aggrieved persons. Verso has polluted the environment and negatively affected the health and safety of the people of Maine. In addition, the taxpayers financially subsidize Verso Bucksport with the BETR and TIF programs, therefore this entire population should be included as aggrieved persons.

It is our understanding, that this is an Amendment from the DEP has been obtained through misrepresenting the facts, omitting information and withholding pertinent information. We contend this landfill poses a huge threat to the health and safety of Maine people and the environment. This landfill has been existence since the 1930's. The Verso Bucksport landfill is a toxic dump, since it has been used to dump ash, sludge, bark, etc. The DEP application omits to the fact that barrels of chemicals are buried in the landfill, as well as approximately 100,000 lbs of steel or more. Some barrels of chemicals are buried in close proximity to the steel. The steel was buried, because the bosses were coming into inspect the mill, during their visit. As a previous employee of Champion International, I was given direct orders to dump barrels of chemicals, as a Rigger. I was one of many employees, who was ordered to dump barrels full of chemicals. I can tell you the exact location where these chemicals and steel are buried and this was pointed out to Karen Knuuti today on 2/21/2012. It's is only a matter of time for

this landfill will be an environmental cleanup site. The people of Maine have a right to know the truth, when chemicals pollute the air and the water supply. The taxpayers of Maine will end up paying for this as a cleanup site.

We object to the entire Amendment, including the findings, conclusions, and conditions. In this Amendment, there is misrepresentations of the facts or intentionally omitted. Our concerns regarding this Amendment are as follows:

Under 1: Application Summary:

B. History: If omits that the mill was established by Seaboard. In the 1980's and 1990's, as a previous employee I was given direct orders to dump barrels of chemicals and steel. These barrels will leak into the supply and pollute the nearby wells. The bark, sludge and ash are loaded with chemicals. This Amendment omits all of the chemicals buried in barrels from the 1930's to 2011, from Seaboard, St. Regis, Champion International, International Paper, CMP and Verso Bucksport. There had been chlorine and V-Bright leaks at the mill and the bark dump. This information has been omitted from this Amendment.

Under 2: Public Participation:

The facts have been omitted, due to a direct conflicts of interest by the past DEP Commissioner Darryl Brown and current Commissioner Patricia Aho by taking no action, it assists Verso Bucksport. The only way to get a Public Hearing is through the Commissioner. By direct conflicts of interests it explains why our requests for a Public Hearing were referred back to the previous DEP Commissioner.

Additional Information:

1. On February 10, 2011, we requested a Public Hearing from Karen Knuuti, including numerous questions about the landfill and the health and safety of employees. Our questions were not answered. Enclosed please find Exhibit #1.

2. In response to our letter, Darryl Brown wrote a letter on March 15, 2011, claiming our request for a Public Hearing was not warranted, despite our questions and concerns. Darryl Brown was forced to resign, due to a direct conflict of interest. Enclosed please find Exhibit #2.

3. On May 19, 2011, we wrote to Commission of the DEP (without knowing who was the Commissioner). This letter was unanswered by the DEP. Enclosed please find Exhibit #3.

4. On September 26, 2011, we testified in opposition to Patricia Aho as Commissioner of DEP, due to direct conflicts of interest. Patricia Aho never admitted that she was a Principal Lobbyist for Verso and/or that the law firm Pierce Atwood represented Verso Bucksport. Enclosed please find Exhibit #4.

5. On December 12, 2011, we requested a Public Hearing from Commissioner Patricia Aho. She never disclosed that she was the Principal Lobbyist for Verso Bucksport and the law firm of Pierce Atwood represents Verso. This Commissioner has a direct conflict of interest. Enclosed please find Exhibit #5.

6. On December 15, 2011, the DEP Commissioner Patricia Aho wrote a letter to us regarding our request for a Public Hearing. She referred back to Commissioner Darryl Brown's letter, dated March 14, 2011. We contend that this must have been her letter to Commissioner Darryl Brown. As she would have been involved in this process, as Deputy Director. The letter we received from Commissioner Brown was dated, March 15, 2011. The past Commissioner was forced to resign, due to direct conflicts of interest. Enclosed please find Exhibit #6.

7. We wrote a letter dated, February 7, 2012, to Commissioner Aho in response to her letter dated December 15, 2011. This letter was faxed to the DEP on February 15, 2012. We continue to express our concerns regarding direct conflicts of

interest as the DEP Commissioner and requested reconsideration for a Public Hearing. To date, we haven't had any response to our letter. Enclosed please find Exhibit #7.

8. We allege that when Patricia Aho was Deputy Director of DEP, she would advise Darryl Brown about this Amendment, regarding our request for a Public Hearing. When the DEP continually has direct conflicts of interest, it assists Verso Bucksport. It harms the public's health and safety and the trust of the DEP, to protect our environment.

Under 5: Technical Ability, Civil and Criminal Disclosure:

It mentions a, "disclosure of receipt of a notice of violation from the Department for management of hazardous and universal waste in 2008."

We are requesting, answers to the following questions:

1. What was the violation from the DEP for the management of hazardous and universal waste in 2008?
2. What is the DEP's definition of substantial compliance?
3. Does that mean 51% compliance is substantial compliance?
4. How many violations has this landfill had over the years from Seaboard, St. Regis, Champion International, International Paper, CMP and Verso Bucksport?
5. How many times has the DEP fined the above companies, for violations of the DEP laws?
6. How many times has the DEP been called for chemical spills, in the mill landfill?
7. Does the DEP have a list of all the barrels of chemicals buried at the landfill?
8. What are the dates, times and supervisors names, who ordered these barrels of chemicals to be buried in the landfills?
9. How many times a year does the officials of the DEP inspect the landfill?
10. What are the findings from these inspections?

11. What was the notice of violation from the DEP regarding the management of hazardous and universal wastes in 2008?
12. What were the exact contents of the hazardous and universal wastes?
13. Over the years, how many violations and fines has the landfill had from the DEP?

Under 7: Erosion and Sedimentation Contract:

In the first sentence it states, "The landfill is not the direct watershed of the water body most at risk from new development." We are concerned about the Silver Lake being contaminated by the chemicals, from the landfill. According to Section 15 Environmental Monitoring Plan, "Three private wells are sampled once per year."

1. Where is the testing of the water from Silver Lake, which is the Town of Bucksport's water supply?
2. Has there been any testing from the 1930's to 2011 of Silver Lake?
3. We have been informed that the people of the Town of Bucksport can't drink the water, because there is so much chlorine in the water. Is the water contaminated with chemicals, other than chlorine?
4. The mill used to own the water company. Why did they sell the water company? Was it due to liabilities?
5. Why hasn't there been testing of nearby residential wells, included in this Amendment?
6. Has Smelt Brook been tested for chemicals, on a regular basis?

Under 8: Utilities:

It is our understanding, that the leachate goes from the landfill into a transport line, to the Drum Barking Building. Then it goes to the clarifiers, and then back into the system.

1. If there is a leak in the line, how would the mill know, since for years they didn't clean the line?
2. Why didn't the mill clean and inspect in lines, on a regular basis?

Under 10: Geologic Considerations:

There are residents located west, northwest and east of the landfill about 1000 feet at the closest point. According to Section 15 Environmental Monitoring Plan, "Three private wells are sampled once per year." (Which we understand are Webber Oil Tank, Dead River Oil Company and the Guard Shack.)

1. They claim the businesses wells are monitored. Why are the wells of the residents tested, that are about 1000 feet from the landfill?
2. Does the mill test the water from Silver Lake, on a regular basis?
3. "The landfill area drains south to Smelt Brook.? Does the mill test the water from Smelt Brook on a regular basis?
4. We allege testing the private wells one time a year is not adequate.
5. If the gas is tested 4 times a year, so should the water supply be tested, as well?

Under 15: Environmental Monitoring Plan:

The monitoring plan includes sampling 3 times a year. We contend if there is a leak, that they wouldn't have knowledge of it for approximately 4 months. The three wells are sampled once per year, which we allege is insufficient. It appears they are non-drinking wells.

1. Is the reason to test once a year, because they are non-drinking wells?
2. The gas monitoring is 4 times a year and the ash is sampled quarterly? This shows that the gas and ash are more important, than the water testing?
3. Is there evidence that the wells are contaminated? Is that the reason the wells are only tested once a year?

4. If the wells are contaminated, what chemicals have been found in the water?
5. We object to the fact that the sludge doesn't have to be tested, as long as they don't make any changes in this process?
6. The sludge testing is just as important as the ash and the gas, maybe even more, because of the water content on the sludge goes from the mill to the landfill, to the leachate ponds, to the pipes, back to the drum barking building to the clarifiers. In this process, the sludge has a the possibility and probability of picking up more chemicals, as it is transported back to the mill. We understand the mill used to test sludge. This practice needs to be reinstated.

1. Why aren't any new monitoring wells proposed, when this is an expansion project?
2. It seems reasonable to have additional monitoring wells.

In regards to the Conclusions:

1. We understand the mill has an insurance plan on the landfill. When Karen Knuuti was asked why, she couldn't explain this.
2. Why does Verso have an insurance plan on the landfill?
3. We disagree with #3 regarding the DEP's claim that there is no reason to withhold the License based on the Civil and Criminal Disclosure Statement. Who reported the April 2008 violation for the management of hazardous and universal waste? And who from the DEP investigated this violation?

Please disclose to the public:

1. What was the hazardous and universal waste?
2. Why wasn't there a fine for the violation?
3. How serious was the violation?

We disagree with #6, because we understand the transport line has not been cleaned for years, from the drum barking building. If there are leaks, it wont be located,



because the sludge is not tested. If the gas and ash must be tested, then the leachate should be tested, as it is just as important in this process, because it is the avenue for chemicals to go from the landfill, back into the mill.

We disagree with #8. There is sand and gravel aquifers in this area of Maine. We don't have direct knowledge if the landfill is over an aquifer, but the town's water supply is on the other side of the landfill, which is in close proximity.

We disagree with #11. The landfill has chemicals, ash, steel, sludge, wood and leachate, all will be ultimately be released into the water supply if that has not already happened.

In the second set of conditions, we disagree with #12, regarding the leachate transport system to the debarking building. This should be inspected and cleaned, since this is continually reintroducing chemicals from the leachate, back into the mill. The line should be tested, to protect the health and safety of the mill workers. We were informed that in the late 1990's, that the line was not tested or cleaned.

The major concerns we have to this Amendment is the air and water quality. In 2004, I testified on the Old Town Landfill and questioned what chemicals were buried in that landfill. A lady from the DEP claimed that they tested for metal barrels and didn't find any. This was told to us orally and there is nothing in writing from the DEP.

Enclosed please find additional Exhibits: Exhibit #8A, Exhibit #8B, Exhibit #8C, Exhibit #8D1, Exhibit #8D2, Exhibit #9A, Exhibit #9B, Exhibit #10, Exhibit #11A, Exhibit #11B, Exhibit #12 and Exhibit #13

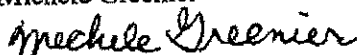
In the 1960's, there was bark from the mill that was dumped on residential properties, which polluted the wells. This was explained to Karen Knuuti on February 21, 2012. Enclosed are several articles that have been published in the newspapers regarding chemicals at the mill.

We reserve the right to add more information if needed, as we are not Lawyers, just regular people concerned with the health and safety of the people of Maine. The remedy we are requesting is that the Amendment to the Application to be accurate and factual, so the people of Maine know exactly what is in the landfill. We all deserve clean air and clean water so everyone can live in a healthy environment. Through this Amendment, Verso Bucksport is violating the public's confidence by not disclosing all of the chemicals buried at the landfill.

Joseph Greenier



Michele Greenier



104 Muskrat Rd

Stockton Springs, Maine 04981

Dated: February 22, 2012.

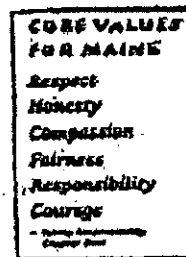
EXHIBIT - 1

By fax: 1-207-941-4584

104 Muskrat Rd.  
 Stockton Springs, ME 04981  
 February 10, 2011.

Maine Department of Environmental Protection  
 Bureau of Remediation and Waste Management  
 17 State House Station  
 Augusta, ME 04333-0017

Re: Request for a Public Hearing



Dear Karen Knutti,

We are requesting a public hearing for the purpose of obtaining information on the record, for the Verso Bucksport landfill expansion. We have concerns about the air and water quality for the people of Bucksport and surrounding communities.

As Concerned Citizens, we have some concerns about this expansion of the landfill, due to the barrels of chemicals buried in the landfill. We are requesting a complete list of all of the chemicals buried in the landfill, including the total number of the barrels of chemicals buried. Has there been ongoing testing of the landfill for chemicals and copies of these reports? Also, has there been ongoing testing of the air quality and what were the times, dates and results of those tests? Where are the barrels of chemicals buried in the landfill? Are there any employees or anybody else who has gotten sick, because of the air quality or barrels of chemicals buried in the landfill? Please document names, dates and lists of illnesses. What steps has this company and previous companies done to insure the health and safety of their employees, as well as the people in the Town of Bucksport and surrounding communities? Since the town's water supply is on the other side of the landfill, do they have any concerns with the said barrels of chemicals affecting the water supply? Also, there is a tremendous amount of scrap steel buried in the landfill. Please verify where the scrap metal has been buried and what is the effect on the people and water supply. How many tons of scrap metal is buried in the landfill? These are a few of our concerns.

We have knowledge of the company dumping barrels of chemicals in the landfill in the 1980's and 1990's, while I was an employee at the mill. It is our understanding that today is the last day to request a public hearing, on the record, to respond to our concerns. We are requesting Verso Bucksport, to respond to our concerns, on the record, at a public hearing.

Thank you for your assistance in this matter.

Concerned Citizens,  
 Joseph Greenier  
 Michelle Greenier



PAUL R. LÉPAGE  
Governor

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Exhibit #2

DARRYL N. BROWN  
Commissioner

March 15, 2011

Michele and Joseph Greenier  
104 Muskrat Rd  
Stockton Springs, ME 04981

Re: Verso Bucksport, LLC application, Bucksport, Maine

Dear Mr. and Mrs. Greenier:

The Department of Environmental Protection ("Department") has received the request you submitted for a public hearing in the matter of an application by Verso Bucksport, LLC ("Verso") for an increase in the approved final elevation of its special waste landfill in Bucksport (DEP# S-007713-WD-BB-A). The Department is processing this application in accordance with the *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2 (last amended April 1, 2003) and Maine's Solid Waste Management laws and rules.

06-096 CMR 2.7.B makes the decision to schedule a public hearing on a license application discretionary for the Commissioner of the Department unless state law specifically requires a hearing for that application type. The type of application Verso has submitted is not one for which a public hearing is mandatory.

When considering a request that a discretionary public hearing be held, it is only where the petitioner submits information that demonstrates there is "... credible conflicting technical information regarding a licensing criterion and it is likely that a public hearing will assist the decision maker in understanding the evidence..." that a hearing is required to be held. (See 06-096 CMR 2.7(B))

Your letter provides several reasons in support of your request for a public hearing, namely: quantity, type, and location of chemicals, drums, and scrap metal in the landfill; results of waste, air, and water monitoring at the landfill and Silver Lake; details regarding number, type, and dates of illnesses resulting from exposures at the landfill; measures taken by mill owners to protect employee and public health and safety; and effect of the landfill on water quality in Silver Lake. None of these points raise issues related to conflicting technical evidence regarding licensing criteria. Further, the Department is not aware of any other reason that a public hearing should be held. For these reasons, the Department has determined that a public hearing on this pending application is not warranted.

AUGUSTA  
BYSSTATE HOUSE STATION  
AUGUSTA, MAINE 04333-0027  
(207) 627-7000 FAX: (207) 287-7025

BANGOR  
108 HOGAN ROAD  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND  
912 CANOE ROAD  
PORTLAND, MAINE 04103  
(207) 823-4300 FAX: (207) 823-4303

PRESQUE ISLE  
123 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769-2094  
(207) 764-6077 FAX: (207) 764-1027

web site: [www.maine.gov/dep](http://www.maine.gov/dep)

I appreciate your questions and concerns regarding this application. Some of the information you are seeking (such as results of monitoring programs designed to detect effects of the landfill on water quality, information regarding wastes disposed in the landfill, and the likelihood of the landfill affecting water quality in Silver Lake) is available in the application or other Department files. I suggest you contact the project manager, Karen Knuuti, to review these files.

If you have further concerns or questions, please do not hesitate to contact Karen Knuuti at 941-4581.

Sincerely,

Darryl N. Brown  
Commissioner

Pc: Karen Knuuti

Exhibit #3

104 Muskrat Rd.  
 Stockton Springs, ME 04991  
 May 19, 2011.

Maine Department of Environmental Protection  
 Bureau of Remediation and Waste Management  
 17 State House Station  
 Augusta, ME 04333-0017

Re: Response to Commissioner Darryl N. Brown's letter to Michele & Joe Greenier dated, March 15, 2011, Re: Verso Bucksport LLC application, Bucksport, ME

To the Commissioner:

We respectfully object to Darryl N. Brown's letter dated, March 15, 2011. We have reduced the original two page letter into one page, which is enclosed for your review.

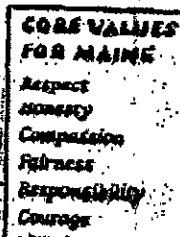
If the past Commissioner couldn't recognize that he had direct conflicts of interests, because he had direct violations of the Clean Water Act, then it makes his decision invalid. We are requesting the DEP to get answers, in writing, from Verso Bucksport, LLC, regarding our concerns. It affects the water quality of the Penobscot River and Silver Lake.

This is a company that has changed hands several times from St. Regis, Champion International, International Paper to Verso Bucksport, with basically the same people in charge.

We are requesting on the record for Verso Bucksport, to acknowledge or deny our concerns. If they refuse to answer our concerns, in writing, then we are requesting a public hearing, to put this information on the record. The public deserves answers, due to the impact on the Clean Water Act. The public deserves the truth, not a guarantee that the public will never get the answers, to the questions we have asked, for the public safety. We contend just because they put something in writing, doesn't mean that it is so. There is a lot missing from the record. After all, we give this company millions in tax breaks, shouldn't we ask them a few questions, on the record. We are requesting the truth, to answer all of our questions. If we can't get answers, then we are requesting a public hearing, so the information requested will be on the record.

Thank you for your assistance.

Concerned Citizens,  
 Joseph Greenier  
 Michele Greenier

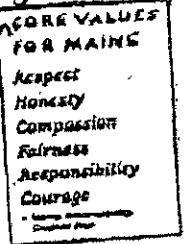


Enclosures:

- ① Air Letter dated February 10th, 2011
- ② Commissioner Brown's letter dated March 15, 2011

Concerned Citizen Joseph & Michele Greenier of Stockton Springs  
Environmental and Natural Resources - September 26, 2011 at 9:00am  
In Opposition to Patricia Aho, Newcastle for appointment  
as the Commissioner of Environmental Protection

### Exhibit # 4



As Concerned Citizens, we are in opposition to Governor's Nomination, Patricia W. Aho as Commissioner of Department of Environmental Protection, due to direct conflicts of interests, as an attorney for the law firm of Pierce Atwood, her previous employer. For many years, this firm represents multitudes of corporations with environmental issues. In addition, this nominee was a lobbyist, who represents corporate clients on environment issues. We allege that any attorney/lobbyist who leave their positions, they still owe their loyalties to the corporation that their firms represent.

In this state, at times there is a continuous revolving door for attorneys in private practice, to request appointments to Commissioners of State Agencies. At some point in their career, they return to their original law firm or a job offer comes up from the same corporations, that they had dealings with in the State Agency, regarding oversight of permits, licences, or violations of state laws, etc. By this revolving door, it sets up the state for more direct conflicts of interests. In the nomination process, the nominees usually claim there are no direct conflicts of interest, regarding their appointments. We contend that lobbyist and attorneys fail to mention the extensive list of previous clients, that they have represented, who will come before State Agencies, such as the DEP, as chances are it would disqualify them from appointment, as Commissioner, to a state agency. We allege that clients from the previous law firm(s) and lobbyist client(s) will not be held accountable and liable, when they have dealings with the DEP. We contend it will render the State Agency, such as DEP moot. In the instance where a commissioner has a direct conflicts of interest, we allege that the Agency may turn a blind eye to the wrongdoing or take no action.

On February 10, 2011, we sent a fax to the DEP Re: Request for a Public Hearing and numerous questions to be answered regarding Verso Bucksport LLC application. Enclosed please find a copy of our letter dated, February 10, 2011, for your review. The Commissioner Darryl N. Braun responded on March 15, 2011 as follows, "For these reasons, the Department has determined that a public hearing on this pending application is not warranted." Enclosed please find a copy of letter dated, March 15, 2011 from Commissioner Darryl Braun. On May 19, 2011, we responded to Commissioner Darryl N. Braun's letter, which was never answered by the DEP. Enclosed please find a copy of our May 19, 2011 letter, for your review. According to the Bangor Daily News, Darryl Braun resigned in April and Patti Aho has been serving as acting commissioner since June. The previous acting commissioner was Jim Brooks. He left the DEP for a job as an environmental manager of Verso Paper (Bucksport). Jim Brooks previous position was the longtime air bureau director for the DEP. Our May 19th, 2011 letter was not answered by Jim Brooks or Patti Aho, who were both in charge since Darryl Braun resigned, due to direct conflicts of interests. We are requesting the DEP to answer our letter and our concerns, in addition to our request for a public hearing. We allege the DEP is refusing our request for a public hearing doesn't serve to protect the public's right to know and protect the health and safety of the people of Bucksport and surrounding towns, who rely on the DEP, to protect their drinking water.

We allege that this nominee has too many direct conflicts of interests, as a lobbyist and an attorney. If the past Commissioner had to resign, due to direct conflicts of interest, then it will probably happen again. We contend that all Commissioners appointed to State Agencies should be regular people, not attorneys, to avoid any direct conflicts of interest. This state must have commissioners who will protect the people of Maine and enforce all laws and rules, especially our environmental laws. The health and safety of all Maine people are dependent on the DEP, to protect our environment. In conclusion, the Bucksport Mill has been represented by Pierce Atwood, for at least 12 years.

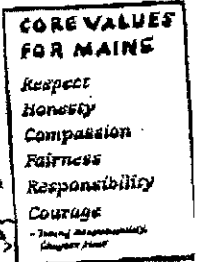


Exhibit #5

## FACSIMILE TRANSMITTAL COVER SHEET

DATE: December 12, 2011  
 TO: Commissioner Patricia Aho / Karen Knutti / Governor Paul LePage  
 FAX: 1-207-287-7826 / 1-207-941-4584 / 1-207-287-1034  
 FROM: Joseph & Michele Greenier  
 RE: 8 PAGE(S) + COVER SHEET  
Request for Public Hearing  
 OUR FILE #:

## COMMENTS:

CORE VALUES  
FOR MAINE

Respect  
 Honesty  
 Compassion  
 Fairness  
 Responsibility  
 Courage

- Enclosed please find the following!
- ① Letter to Commissioner Patricia Aho (1 page), dated 12/12/11 cc Governor Paul LePage Karen Knutti
  - ② Ethics Commission (2 pages)
    - 2011 Lobbyist Report for Patricia Aho Verso Paper
    - Lobbyist Registration 2011 Patricia Aho
  - ③ Testimony from Patricia Aho's Confirmation Hearing dated September 26, 2011 from Greeniers (2 pages)
    - Letter dated February 10, 2011 to Karen Knutti from Greeniers (1 page)
    - Letter dated March 15, 2011 from Darryl N. Braun to Mr. & Mrs. Greenier (1 page)
    - Letter dated May 19, 2011 to Commissioner (DEP) from Joseph & Michele Greenier (1 page)
    - This packet hand-delivered to Patricia Aho, after her Confirmation Hearing.

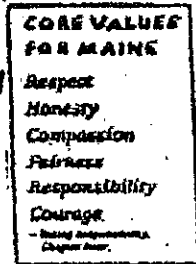
THIS COMMUNICATION IS CONFIDENTIAL AND INTENDED TO BE PRIVILEGED PURSUANT TO APPLICABLE LAW. THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

If you do not receive this complete transmission, please call



Exhibit #5

104 Muskrat Rd.  
 Stockton Springs, ME 04981  
 December 12, 2011.



By fax: 1-207-287-7826

Maine Department of Environmental Protection  
 Bureau of Remediation and Waste Management  
 17 State House Station  
 Augusta, ME 04333-0017

Dear Commissioner Patricia Aho,  
 As Concerned Citizens, we are requesting a Public Hearing on the record for Verso Bucksport Landfill Expansion. After your Confirmation Hearing on September 26, 2011 at 9:00am, you promised Joseph Greenier, that you would look into this matter. We haven't heard back from you. We are requesting a written response from you, regarding our request for a Public Hearing. By taking no action, this is harming the health and safety of Maine people.

Recently we learned from the Ethics Commission's paperwork, that you were a registered lobbyist for Verso Paper, while you were the Deputy Director of the DEP, in February and March 2011. In addition, you didn't file a Notice of Termination (as a lobbyist), until March 15, 2011, the same day that Darryl Brown wrote us a letter, regarding our request for a Public Hearing on Verso Expansion. Enclosed please find a copy of the Lobbyist Registration for 2011, with your name, Pierce Atwood and your client, Verso Paper and a copy of Lobbyist Reports for Patricia Aho Verso Paper, which confirms Notice of Termination was filed, 3/15/2011, from the Ethics Commission.

During the Confirmation Hearing you never disclosed that you were a lobbyist for Verso Paper and that your Law Firm, Pierce Atwood represents Verso Paper. Please explain how you were a lobbyist in February 2011 to March 15, 2011, at the same time you were the Deputy Director of DEP?

We were informed by DEP personnel, that requests for Public Hearing is up to the Commissioner Darryl Brown and Deputy Director to grant requests for Public Hearings. What did you do to distance yourself from direct conflicts of interest as a lobbyist for Verso Paper and the fact that your previous law firm was representing Verso Paper, as their client? As a reminder, you were handed our testimony from your Confirmation Hearing (2 pages), fax dated February 10th, 2011 to Karen Knutti, letter dated March 15, 2011 from Darryl N. Brown and letter dated May 19, 2011 to Commissioner (DEP), which is enclosed for your review. Enclosed please find lobbyist Report and Lobbyist Registration 2011, from Ethics Commission. We are requesting a written response from you Concerned Citizens.

Michelle Greenier & Joseph Sheau

cc Governor Paul LePage 1-207-287-1034  
 Karen Knutti 1-207-941-4584

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State Search

GO



MAINE COMMISSION ON

Governmental Ethics  
& Election PracticesHome > Lobbyists and Clients > Reports for Patricia  
Aho and Verso Paper

## BROWSE FINANCIAL REPORTS

Candidates
Party Committees
Political Action Committees
Ballot Question Committees
Lobbyists/Clients

## REPORTS

Quick Candidate Lists
Advanced Candidate Lists

## SEARCHES

Campaign Finance
Filed Registrations
Lobbying Info
Data Download

## REGISTRATION

Lobbyist Registration
-----------------------

Lobbyist Reports For  
Patricia Aho  
Verso Paper

Output Data		
2011 Reports for Patricia Aho/Verso Paper		
Associates: John D. Delahanty		
Report Type	Filed Date	Amendment
Lobbyist/Client Joint Registration Report	12/17/2010 2:40:43 PM	
Lobbyist Disclosure Monthly-Short Form - February	3/15/2011	
Lobbyist Disclosure Monthly - December	1/12/2011 1:52:25 PM	
Lobbyist Disclosure Monthly - January	2/1/2011 3:43:02 PM	
Joint Lobbyist/Client Annual Report	3/15/2011	
Notification of Termination	3/15/2011	

2010 Reports for Patricia Aho/Verso Paper		
Associates: Jane A. Amero, John D. Delahanty		
Report Type	Filed Date	Amendment
Lobbyist/Client Joint Registration Report	12/14/2009 12:00:37 PM	
Lobbyist Disclosure Monthly-Short Form - July	8/13/2010 11:48:36 AM	
Lobbyist Disclosure Monthly-Short Form - August	9/13/2010 11:41:21 AM	
Lobbyist Disclosure Monthly-Short Form - October	11/5/2010 9:45:49 AM	
Lobbyist Disclosure Monthly-Long Form - December	1/15/2010 4:24:45 PM	
Lobbyist Disclosure Monthly-Long Form - January	2/9/2010 1:45:16 PM	



COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES  
 Mail: 135 State House Station, Augusta, Maine 04333  
 Office: 242 State Street, Augusta, Maine

Website: [www.maine.gov/ethics](http://www.maine.gov/ethics)  
 Phone: 207-287-4179  
 Fax: 207-287-6775

## LOBBYIST REGISTRATION 2011

<b>LOBBYIST INFORMATION</b>	
Aho, Patricia Pierce Atwood 77 Winthrop St. Augusta, ME 04330	Telephone: (207)622-6311 Fax: (207)623-9367 paho@pierceatwood.com
<b>CLIENT INFORMATION</b>	
Verso Paper Principal Contact: William M. Cohen 2 River Road Bucksport, ME 04416	Telephone: (207)469-1249 Fax: (207)469-1704 william.cohen@versopaper.com www.versopaper.com
<b>LOBBYIST ASSOCIATES</b>	
Delahanty, John One Monument Sq. Portland, ME 04101-1110	Telephone: (207)791-1100 Fax: (207)791-1350 jdelahanty@pierceatwood.com
<b>COMMENCEMENT OF LOBBYING ACTIVITIES</b>	
Date when lobbying commenced or is expected to commence: 12/16/2010	Date when lobbying first exceeded 8 hours in a calendar month:
<b>COMPENSATION</b>	
The amount of compensation or the basis upon which the lobbyist will charge for those services. PORTION OF MONTHLY RETAINER	
<b>CLIENT'S BUSINESS DESCRIPTION, LEGISLATIVE INTERESTS, AND LEGISLATIVE COMMITTEES</b>	
<u>General Nature of Business:</u> Business <u>Description of Business/Mission:</u> Pulp and paper manufacturer. <u>Legislative Interests:</u> Issues which impact the ability to manufacture pulp and paper. <u>Legislative Committees:</u> Agriculture, Conservation and Forestry, Appropriations and Financial Affairs, Business, Research and Economic Development, Criminal Justice and Public Safety, Education and Cultural Affairs, Health and Human Services, Inland Fisheries and Wildlife, Insurance and Financial Services, Judiciary, Labor, Legal and Veterans Affairs, Marine Resources, Natural Resources, State and Local Government, Taxation, Transportation, Utilities and Energy	



PAUL R. LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Exhibit #6

PATRICIA W. AHO  
COMMISSIONER

December 15, 2011

Michele and Joseph Greenier  
104 Muskrat Road  
Stockton Springs, ME 04981

Dear Mr. & Mrs. Greenier:

Thank you very much for your letter faxed to us on December 12, 2011 requesting a public hearing on the record for the Verso Bucksport landfill expansion. In your letter you have raised a number of issues relating to my former employment with Pierce Atwood, LLP and my representation of Verso Paper. Please note that I terminated my lobbying work on behalf of all clients prior to joining state service in February 2011. I did so by (1) formally terminating my employment with Pierce Atwood, including all representation I made on behalf of Pierce Atwood clients, and (2) engaging in conversations with the lobbyist registrar in the Commission on Elections and Ethics to ensure that the registrar understood that my lobbying activities have been terminated. Therefore, although notice of termination appears to be posted on March 15, 2011, my representation of Pierce Atwood clients in all capacities ended when I was no longer employed by Pierce Atwood. Thus, the concerns you are raising regarding any conflict of interest that I might have had regarding my service as Deputy Commissioner to the Department of Environmental Protection in relation to Verso Paper, is misplaced.

As I indicated during my confirmation hearing, I have made every effort to ensure that I have disclosed thoroughly my former employment in regards to these and all proceedings.

With respect to your specific request for a public hearing, because your letter and attachments have not raised any conflicting technical evidence regarding licensing criteria, I continue to concur with the letter sent to you by former Commissioner Brown dated March 14, 2011. If you have any further questions or concerns, please do not hesitate to contact either Heather Parent, Policy Director, at 287-8662 or Karen Knuuti at 941-4561.

Best regards,

Patricia W. Aho  
Commissioner

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826  
RAY BLDG., HOSPITAL ST.

BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4561

PORTLAND  
312 CANOE ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

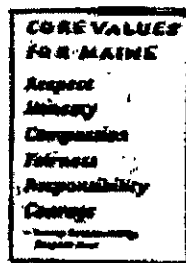
PRESQUE ISLE  
1215 CENTRAL DRIVE, SKYWAY P.A.  
PRESQUE ISLE, MAINE 04675-2674  
(207) 764-0477 FAX: (207) 764-3143

Exhibit #7

By fax: 1-207-287-7826

Maine Department of Environmental Protection  
Bureau of Recommendation and Waste Management  
17 State House Station  
Augusta, Maine 04333-0017

104 Muskrat Rd  
Stockton Springs, ME 04981  
February 7, 2012



Dear Commissioner Patricia Aho,

As Concerned Citizens, we object to the accuracy of your letter dated, December 15, 2011. After your confirmation hearing, in September you orally promised to look into our concerns and get back to us. During your confirmation hearing, you never admitted the firm of Pierce Atwood represents Verso Paper and you were their Principal Lobbyist. The information you brought up in the confirmation hearing contradicts your letter. We are requesting you to please review the tape of your confirmation hearing, from the Governor's office. In the Ethics Commission reports, you terminated your Lobbying activities on March 15, 2011, not in February 2011, when you started working at the DEP, as Deputy Director. We allege there will always be direct conflicts of interest with Pierce Atwood and their clients that you represented, including Verso Paper. When these same clients apply for licenses with the DEP, you are personally responsible to grant these licenses. We contend that the law firm of Pierce Atwood would have first hand information about chemicals buried in the landfill, in regards to requesting a Solid Waste License (DEP #S-007713-WD-BB-A). We are requesting a list of all the chemicals buried in the landfill, as the public has a right to know for their health and safety. We respectfully disagree that our concerns are misplaced regarding your direct conflicts of interest. In the Ethics Commission reports, you were the Principal Lobbyist for Verso Paper, which wasn't disclosed in your confirmation hearing.

According to the staff at the DEP, the Commissioner and the Deputy Director are the only two individuals, who can grant a request for a public hearing. On March 15, 2011, Commissioner Darryl Brown would rely on your recommendations as the Deputy Director, for granting or denying our request for a public hearing, from your previous client Verso Paper. You claim in your letter, that you concur with the former Commissioner Darryl Brown (who resigned, due to direct conflicts of interest). We contend you are referring to your letter to Darryl Brown on March 14, 2011 (and your recommendation to deny our request for a public hearing), to protect your former clients, due to your conflicts of interest. We are requesting your letter to Darryl Brown dated March 14, 2011, regarding our request for a public hearing. In your confirmation hearing, you heard direct testimony regarding chemicals buried at the mill landfill. The prior company gave direct orders to dump chemicals in the landfill, which isn't documented in the files. In 2004, there was similar testimony in the Juniper Ridge landfill public hearings.

We object to your denial of our request for a public hearing, as you were Deputy Director for Darryl Brown. We disagree that you disclosed though your former employment in these and all proceeding. In fact, in your own paperwork to the Governor's Office, you left the space blank regarding a question about conflict to dissociate, which speaks volumes. We contend there will always be a direct conflict of interest for you to grant licenses from the DEP, for your former clients and your job as Principal Lobbyist, for Verso Paper. As you know, the previous Commissioner Darryl Brown also had direct conflicts of interest and he was forced to resign from his position. Due to these conflicts of interest, we are requesting you to recuse yourself from all DEP licences, associated with your former clients. We are requesting reconsideration for a public hearing, to protect the health and safety of the people of Maine.

Concerned Citizens,

Joseph Greenier

Michele Greenier

**EXP.**

Exhibit #8 A

Dropped off to Martha at DEP receptionist

To: DEP office Bangor, ME

2/17/04

From: Michele &amp; Joe Greenier

To: Whom it may concern: DEP Commissioner

As concerned citizens and taxpayers we are very concerned about what chemicals are buried in the Old Town Landfill, since as taxpayers we are financially responsible if the state purchases this landfill? Please list all of the chemicals buried by GNP <sup>Georgia Pacific</sup> that you received from them and any copies of reports about said chemicals.

Our concerns are due to court case State of Maine Kennebec Superior Court Docket No CU-00-116 State of Maine DEP vs Champion International for Consent Decree and Order.

Thank you for your assistance.

Concerned Citizens,

Michele &amp; Joe Greenier

104 Muskrat Rd

Stockton Springs, ME 04981

567-3635

PS Please mail copies of all reports <sup>Georgia Pacific</sup> that DEP received from GNP about the chemicals buried in Old Town Landfill.

JUN 29 2000 14:45

DEPT OF ENVIRONMENTAL PROTECTION

2079414570 P.01

Exhibit #8 B

STATE OF MAINE  
KENNEBEC, ss.REC'D & FILED  
Nancy A. DesjardinsSUPERIOR COURT  
CIVIL ACTION  
DOCKET NO: CV-00-116

JUN 19 2000

STATE OF MAINE,  
and  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,Clerk of Courts  
Kennebec County

Plaintiffs

CONSENT DECREE  
AND ORDER

v.

CHAMPION INTERNATIONAL  
CORPORATION,

Defendant

WHEREAS, Defendant Champion International Corporation ("Champion") owns, operates, and manages lumber mill complexes in Milford ("Costigan mill"), and Passadumkeag ("Passadumkeag mill"), Maine that manufacture dimensional lumber from spruce, fir and hemlock logs.

WHEREAS, the parties agree that the Complaint filed herewith states a cause of action against Champion; and

WHEREAS, for the purposes of 38 M.R.S.A. §§ 348, 349 and this action only, Champion does not contest that it has violated certain of the State's environmental laws at its Costigan and Passadumkeag mills, as alleged in the Complaint; and

WHEREAS, the parties agree to the entry of this Consent Decree and Order ("Consent Decree") to facilitate settlement of this action; and

WHEREAS, the parties agree to the entry of this Consent Decree without any further findings of fact or law; and

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DEPT OF ENVIRONMENT PROTECTION

2075414578 P.02

WHEREAS, the Court has considered the pleadings and representation of counsel for all parties; and

WHEREAS, the Court finds that it has jurisdiction over the parties and the subject matter of this action; and

NOW, THEREFORE, the Court finds that the terms and conditions of this Consent Decree constitute a full and fair resolution and reasonable disposition of the allegations set forth in the Complaint, and are in the public interest.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

A. Relief.

1. Within 30 days of entry of this Consent Decree by the Court, Champion shall pay to the State of Maine a civil penalty in the amount of Eight Hundred Thousand dollars (\$800,000) in full and final settlement of the allegations set forth in the Complaint. This penalty is calculated as follows:

(a) Seven Hundred Sixty-nine Thousand Five Hundred dollars (\$769,500) for settlement of all violations alleged in the Complaint; and

(b) Pursuant to 14 M.R.S.A. § 1322, Thirty Thousand Five Hundred Dollars (\$30,500) for the costs of this enforcement action, including attorney's fees and investigation costs.

2. Payment of the civil fine shall be by check or electronic funds transfer payable to "Treasurer, State of Maine." A copy of the check or electronic funds transfer payment schedule shall be forwarded to the Department of the Attorney General at the address identified in Paragraph 5, below.



JUN-22-2008 14:46

DEPT OF ENVIRONMENTAL PROTECTION

2075414576 P.23

3. Champion shall cease discharge of any pollutant to the waters of the State of Maine from its Passadumbeig mill or its Cortigan mill without, or in violation of the terms and conditions of, a wastewater discharge license issued by the Maine Department of Environmental Protection.

B. Reliance

4. This Consent Decree constitutes a final resolution and judgment of all the claims, actions, charges and causes of action set forth in the Complaint, and shall apply to, be binding upon and inure to the benefit of the parties, their successors and assigns, and officers and directors in their official capacities.

C. General Provisions

5. Correspondence, notices or other communications under or regarding this Consent Decree shall be directed to the individuals at the addresses specified below, unless those individuals or their successors give notice in writing to the other party that another individual or address has been designated:

To the State of Maine:

Commissioner  
Department of Environmental Protection  
State House Station 17  
Augusta, Maine 04333-0017

Chief, Natural Resources Division  
Department of the Attorney General  
State House Station 6  
Augusta, Maine 04333-0006

To Champion:

James Contino  
Lumber Operations Manager  
Champion International Corporation  
Greenfield Road  
P.O. Box 159  
Cortigan, Maine 04423-0159

JUN-28-2008 14:46

DEPT OF ENVIRONMENTAL PROTECTION

207541-570 P. 00

David B. Van Slyke, Esq.  
Preti, Fisherty, Beliveau, Pacheco & Haley, LLC  
One City Center  
P.O. Box 9546  
Portland, Maine 0412-9546

6. Non-admissibility in other proceedings. This Consent Decree has been negotiated in good faith by the parties and no evidence of negotiations or discussions underlying this Decree shall be offered or received in evidence in any action or proceeding for any purpose. Neither this Consent Decree nor any of its provisions shall be offered or received in evidence in any action or proceeding for any purpose other than in an action or proceeding arising under or relating to this Consent Decree. For purposes of this section, an action or proceeding relating to this Consent Decree includes an action by the State of Maine for enhanced penalties under 38 M.R.S.A. §349 (6).

7. Nothing in this Consent Decree shall preclude the Department or the State from pursuing administrative or judicial action or civil penalties or any other sanctions based upon Champion's failure to comply with this Consent Decree.

8. The Court shall retain jurisdiction over this matter for the purpose of enabling any party to this Consent Decree to apply to this Court at any time for enforcement of the Decree, such modifications as may be necessary for enforcement of any terms of this Decree, or to compel any action necessary or appropriate to effectuate the terms of this Decree. The effective date of this Consent Decree shall be the date upon which it is approved by the Court.

9. Each undersigned representative of a party to this Consent Decree certifies that s/he is fully authorized to enter into the terms and conditions of this Consent Decree and execute and legally bind such party to this document.

JUN-29-2000 14:47

DEPT OF ENVIRONMENTAL PROTECTION

0015414570

P.00


JUDGMENT is hereby entered in accordance with the foregoing Consent Decree this

17<sup>th</sup> day of June, 2000.

  
Justice, Superior Court


SEEN AND AGREED TO:

CHAMPION INTERNATIONAL  
CORPORATION

By:   
Michael Kaplan  
Maine Bar No. 3296  
Its Attorney

DATE: 6/16/2000

STATE OF MAINE  
AND DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

By:   
Jon H. Edwards, AAG  
Maine Bar No. 3521  
Assistant Attorney General

DATE: 6/19/00

Exhibit #8C

S / TUESDAY, MARCH 30, 2004

ALL IN FLORIDA

# Landfill's economy, ecology queried

BY AIMEE DOHIOFF  
OF THE NEWS STAFF

**OLD TOWN** — More than 30 people asked questions and made comments in favor of and in opposition to the proposed West Old Town Landfill project at three separate sessions on Monday the first of two days the state Department of Environmental Protection will hear commentary on the locally divisive issue.

The DEP will approve or deny the state's pending landfill amendment application that will increase the height and number of waste streams that will be accepted at the site. The three-way deal between the state, Georgia-Pacific Corp. and Casella Waste Systems Inc. was designed to help keep the Old Town paper mill open while creating an answer to the state's waste disposal dilemma. The state owns the site and has observed Casella, which runs the Pine Tree Landfill in Hampden, to operate it.

"I feel for those who are in opposition to [the landfill], as I know some of them feel for those who work at the mill," said 25-year G-P employee and Old Town resident Mike St. Peter.

St. Peter presented Gallagher with more than 2,100 signatures from G-P employees and residents of Old Town and surrounding communities who favor the landfill deal.



BANGOR DAILY NEWS PHOTO BY KEVIN BENNETT  
BANGOR DAILY NEWS PHOTO BY KEVIN BENNETT

West Old Town resident Peter Dufour raises his hand to indicate he'd like to speak during the first of two public comment sessions on the West Old Town Landfill.

"Economy and ecology — they can and they must co-exist," St. Peter said. "There are people who are in favor of this landfill."

Health, safety and the environmental impact of the landfill worry opponents who previously collected signatures from 1,400 area residents and sent

them in February to Gallagher, Gov. John Baldacci and state Sen. John Martin, chairman of the Natural Resources Committee. They were not pleased to hear Monday of plans to expand the site.

Casella intends to begin the process of applying for permits. See *Landfill*, Page B5

Exhibit # 821

JUL 24 2004

# Tribe tests of water led to fine

Falsified records cost  
Champion \$800,000

By Susan Young  
Of the NEWS Staff

**INDIAN ISLAND** — Water quality monitors from the Penobscot Nation wondered why they were getting unusual readings on samples taken from Coddigan Stream. As it turns out, their discovery led to the fourth-largest fine ever levied against a company in Maine for violating environmental laws.

As a result of inquiries from the Penobscot tribe and a subsequent investigation by the Maine Department of Environmental Protection, Champion International — which has since been acquired by International Paper — was fined \$800,000 last month for falsifying records and not being properly licensed to operate two mills in Coddigan and Passadumkeag.

The company was fined because employees at the Coddigan mill had not done a simple water test for up to eight years, but continued to record the result of that test daily, according to a consent agreement settling the matter. In addition, when Champion bought the mill in 1985, the company failed to apply to the

See Water, Page A19

## Clinton remains

Exhibit # 8 D 2

BANGOR DAILY NEWS • MONDAY, JULY 24 1988

From Page One



On Indian Island, Dan Kusnier, watches as his 8-month-old Labrador retriever, Ty, plays in the water. Kusnier works for a laboratory employed by the Penobscot reservation to test and monitor water quality in the river. The photo by Anthony Robert La Penna.

# Water

Continued from Page A1

P to transfer the license from mill's previous owners, St. Joseph's.

The company also did not apply for a discharge license for its Pansco mill, which has been in operation since 1987.

His case is further evidence of the federal Environmental Protection Agency, not the state, should have the authority to regulate wastewater discharge permits, said Dan Kusnier, director of the water quality program for Penobscot Nation.

Facilities that now discharge treated water into rivers and streams must have permits from the EPA and DEP. In an attempt to streamline the process, the state has applied for the authority to administer the federal Clean Water Act's National Pollution Discharge Elimination Act. Forty-three other states already have the authority to issue NPDES permits.

State's application has been languished by the Penobscot Nation. Representatives of the state say their nation's territory includes Indian Island, all of the Old Town reservation, the river itself, from bank to bank, including tributaries. State officials counter that the tribe's territory consists of Indian Island and Penobscot, from Old Town to Bangor.

At the heart of the current battle is the state or the federal government will do a better job of solving the tribe's interests. It comes to protecting the water quality of the Penobscot River.

The state wants to make sure the tribe doesn't assume control of large permits over all the waterbodies because the state is doing a good enough job. The state is doing a good enough job, he says. Because test records were kept at the Champion facility as long as eight years and the mill had been unlicensed for years.

"I think we can do a better job

of it," Kusnier said of the current arrangement whereby the tribe works with the federal government to monitor water quality. Since the late 1980s, the tribe has had a contract with the federal Bureau of Indian Affairs to monitor water quality along the Penobscot River. Each week, water samples are taken from 31 sites on the river and 30 locations along tributaries. Samples are also taken from nine ponds in the Penobscot watershed.

For this work, the tribe receives \$25,000 a year from the Bureau of Indian Affairs. It also receives \$140,000 annually from the EPA for water quality monitoring and \$120,000 a year to work on nonpoint source pollution prob-

lems and \$110,000 to work on general environmental issues. In October 1988, as part of its regular monitoring of water quality along the Penobscot River, testers from the tribe found a high level of settleable solids a measure of the amount of solid material left in the water after it has settled in a sedimentation pond — in the Contigon Stream. The tribe called the DEP in Bangor to report what it had found.

Investigators from the DEP then made a visit to Champion's mill in Contigon, which discharges wastewater into a tributary of the stream. Inspection of records at the mill showed that settleable solids test had been done for the day and zero milligrams per mil-

liliter was found in the test, which contacts water in a one-hour settling tank. The test does not measure the amount of toxic chemicals or other dangerous substances in the water. When investigators asked the day they were directed to a container filled with cobblestones and had spiders living in it.

"It was not very scientific investigation," said Dan Kusnier, the DEP inspector who visited the mill. Because the DEP's environmental compliance program is dependent on companies doing their own testing, he said,

"In this case, the DEP was pretty late in discovering the problem and it would have continued had we not called it to their attention," Kusnier said.

sioner of the DEP, said his agency is glad the Penobscot Indians are keeping a close eye on the river, but that significant improvements in the quality of the Penobscot and other rivers have come because of the DEP's efforts, not because of the EPA in Boston or Washington.

"The tests are further behind on this one than we are," said Dennis Merrill of the DEP's enforcement division. The Contigon mill's federal discharge license expired long before its state one did and the Pansco mill's facility had no federal license, he said.

The EPA is investigating the situation to determine if federal penalties are warranted. Federal discharge licenses typically require a settleable solids test, so the company likely violated its federal water quality permits as well.

The Penobscot Nation also does not feel that the \$800,000 fine levied against Champion was high enough. State law provides that the company could be fined up to \$10,000 per day for each violation. The state found four violations, one of which — the falsification of reports — went on for a period of three to eight years, according to the consent decree the state and Champion agreed to settle the matter. The company last year received a little more than \$200,000 from the state in business assistance tax breaks.

Merrill said the agency did look at fines levied against companies in other states for similar violations and felt a fair settlement was reached. Because it was a negotiated settlement, the state did initially propose a higher monetary penalty, he said.

A spokesman for Champion said employees at the company's Contigon mill were disciplined but that details of the discipline remained a personnel matter. Keith Dunningham said the tests needed to be done and that the fact they weren't was an oversight. He said both the company and DEP were operating under the impression that the discharge licenses had been transferred from St. Regis when Champion took over, when in fact they had not.

The Penobscot Nation continues to test samples from Contigon Stream and continues to test sam-



# Health issues haunt Champion mill

## Widows, workers await settlement of workers' comp claims

By Wayne E. Reilly  
Of the NEWS Staff

Before he died on July 31, Charles Kimball had testified before the Workers' Compensation Commission about the mysterious illness he believed he had contracted from poisonous chemicals while working at the Champion International paper mill in Buxton.

His story provides a glimpse into the allegations of chemical poisoning that claimants say also led to the death of another Champion worker

last year, and left several workers sick with a variety of bizarre conditions that have baffled doctors. Mill officials and the U.S. Occupational Health and Safety Administration, meanwhile, have been conducting a battery of tests on air and water quality that so far have turned up nothing out of the ordinary.

Kimball's widow, Irene, has a death claim pending before the commission. She joins the wife of Norman Crossman, a 34-year-old marathon runner who died of a heart attack Dec. 7, 1989, and a number of

living employees who claim they have been disabled by chemicals within the mill.

Their varied symptoms include nerve and muscle damage, burning sensations, rashes, breathing problems, fatigue, depression and a host of other things. But so far they have not produced any medical testimony of chemical poisoning related to their work at the mill, although some say they have been diagnosed with conditions that could have been caused by chemicals.

See ISSUE on Page 4

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"I think we



Exhibit 9B:

4 MAINE WEEKEND—Bangor Daily News, Sat. Sun., August 25 - 26, 1990

# Issue of poisonous chemicals

● From page 1

Dr. William Rex, a biologist at the Environmental Health Center in Dallas, has been called in to Kimball's case to supervise a study of the dead man's blood and tissue samples. The doctor has published articles linking asbestosis and liver damage to sodium hydrosulfide, a chemical commonly used in paper mills, according to Thomas Watson, the lawyer handling the Champlain case for the claimant. Watson, whose heart attack occurred over a few months, and Kimball exhibited "remarkably similar symptoms," said Watson.

Kimball, a 58-year-old carpenter who worked throughout the mill, testified under oath on Jan. 17 that he started getting sick with something "like a flu or gripe" late in July 1988. A week before, he had been making wooden shingles in the mill, a job sponsored by the mill. He made the stakes from used planks shaved in a shed in the back of the carpenter shop.

The planks had been used by a cleanup crew that had come into the plant to remove asbestos. "In the shed and from a room where people had complained of illness," they had people up there that was working and getting sick, and they didn't know what it was," testified Kimball. Air quality tests in the room had detected aspergillus, a mold that can cause problems in the lungs and other organs, he said.

"The planks that they had used up there in what I packed up out in the back and I took them up and ripped them up, they had a square of rock and a half square of asbestos and put a point on them for them to drive in the ground," testified Kimball.

"I had the shop so full of as-



Charles Kimball

that you could hardly breathe in there. We didn't have an exhaust fan in the shop at the time. They've got one there now," said Kimball.

After conducting inconclusive medical tests, doctors in Bucksport and Blue Hill advised him to let the illness run its course.

"I just felt that that was kind of like, you know, after you die you'll do an autopsy and find out what killed you," Kimball said.

Kimball's death certificate says he died of "heart failure with complications of vasculitis," said Mrs. Kimball. Vasculitis is a poorly understood disease that involves inflammation of blood vessels, and many possible symptoms. At least one other worker has been diagnosed as having "the possibility of a collagen vascular disease," according to a doctor's report.

After the second doctor's appointment Kimball began coughing up phlegm that looked like it contained sawdust. He went to the mill doctor who gave him a

chest X-ray and some antibiotics to clear up what appeared to be an infection. Kimball said he decided to take some vacation time until he felt better.

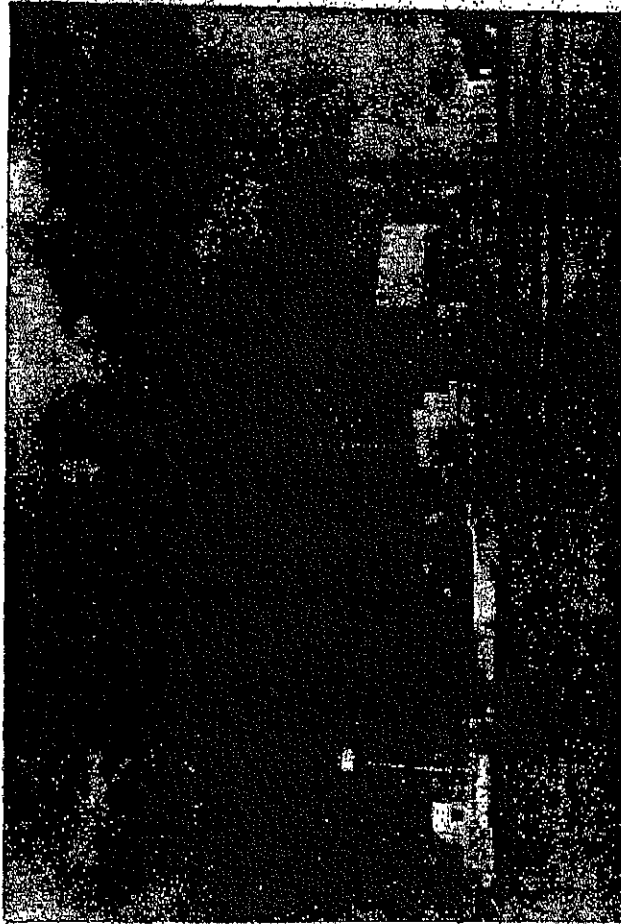
A week later "I was really sick. I couldn't even lift my head up. I had almost 100 temperature. So my wife put me in the car and took me up to Eastern Maine Medical Center," Kimball testified.

At EMHC, further X-rays were taken, and a respiratory specialist listened to his back and chest. According to Kimball, the doctor expressed surprise. The X-ray showed he had "gotten almost 10 times more stuff in my lungs by Friday than I had on the X-ray on Monday. And he (the doctor) said when he listened, it was clear, he couldn't hear nothing."

Kimball said he was diagnosed by one doctor as having tuberculosis, and then by another as having "atypical pneumonia." He spent two weeks in the hospital. They didn't know if the aspergillus he may have encountered while sawing wood could have been a factor. He didn't return to work until October. But the X-rays still showed the same "stuff" in his lungs for five months until a week before the hearing Jan. 17.

Kimball testified his doctors were stumped. "There was several of them that just didn't know what it was. There was no medical evidence that it was anything else, just that there was no medical evidence that it was atypical pneumonia. That's just what they think it was. They don't have no idea."

Kimball testified he had missed two pieces of cigarettes a day for 26 years until 1988. His last chest X-ray a week before the hearing showed nothing, but



# plagues Bucksport paper mill

The Champlain International paper mill stands on the banks of the Penobscot River at Bucksport

"I can still feel something in there.... I don't know what it is, but it doesn't show on an X-ray, I guess."

Kimball's medical history took strange twists and turns after he testified in January. After returning to work, he never really got over the symptoms he experienced last year, and now even appeared, said his wife.

In June he was taken from the mill by a nurse and hospitalized for three days with symptoms of a heart attack, but he had not had a heart attack, including sternal tenderness, rash around nose, breathlessness, and had an irregular heartbeat. He had worked for

two-and-a-half days on the mill's internal sewage treatment system "in a fog of fumes" that sometimes were so thick the exhalation cord on his saw "disappeared into the mist," according to Watson.

A Workers' Compensation report filed by the company in June said "Charles states he has experienced allergic to pressure treated wood. Has (symptoms) including hoarseness, pain across chest, including sternal tenderness, rash around nose. Employee also feels past history of irregular heartbeat was due to

MAINE PHOTO BY JACK LUTHE

exposure to wood." In mid-July Kimball was hospitalized for the last time after working intermittently for several weeks. His wife said he was having trouble breathing, his muscles ached and he had an ear infection. According to Watson, an X-ray showed "the lungs were spiderwebbed."

He died July 31, a year in the day after his medical problems started.

Mill officials have declined to comment on details of Kimball's testimony or his case until an investigation is completed.

850  
Exhibit #10

Environmental Health Care - Maine	
27 Dana Street, Old Orchard Beach, Maine, U.S.A. 04064	
Raymond Psonak D.O.	DEA No. BP 3352109
Phone: 207-934-2218	FAX: 207-934-0403
For: Joseph Greenier	Date: 9/3/96
Address: Suckton Springs, Maine	
Do Not Refill	Refill
<b>Work Restrictions Effective Immediately:</b>	
1) No Heavy Lifting or exertion	
2) Complete avoidance of exposure to chemicals such as solvents, cleaning fluids, gases etc.	
Above restrictions until further notice.	
Raymond Psonak D.O.	
Physician Signature	

Prevention**BULLETIN**

Exhibit 11A

TO: Distribution

DATE: September 25, 1992

FROM: Loss Prevention

SUBJECT: Synthetic Web  
Sling Failure

On Friday, September 25 at 8:30am, a synthetic web sling failed while lowering a TMP rotor by means of an overhead crane from the maintenance shop to a dump truck below. The rotor dropped approximately ten feet and fell into the dump truck body. No one was injured in the incident thanks to the two maintenance persons who kept the area below the lift clear of personnel.

An ongoing investigation is being conducted by the maintenance department and the loss prevention department. Following is a brief summary of the findings to date: (refer to attached sketch)

- \* The load being lifted weighed approximately 7 tons.
- \* A single synthetic web sling with a basket hitch was used to lower the rotor.
- \* Historical this method of lift has been standard practice.
- \* The specifications identified on the sling were as follows:  
 Supplier: Penco                      Capacity: 38400 pounds (basket)  
 Width: 8 inches                      Length: 17 feet

The load was less than one half the capacity of the sling for the type of hitch used.

- \* The sling was purchased at least 2 years ago. A visual inspection of the sling following the failure did not reveal any conditions that would have warranted discontinued use of the sling.

At this point, the cause of the sling failure has not been determined. In the interim, however, the following courses of action are being taken:

- \* The sling supplier and/or other analytical labs will be consulted to further analyze the sling.
- \* The existing practice of lifting rotors with a single hook and single sling will be modified to the following:
  1. A swingdingle and two slings will be used for single hook applications, or
  2. Two hooks will be used with an individual sling at each hook.

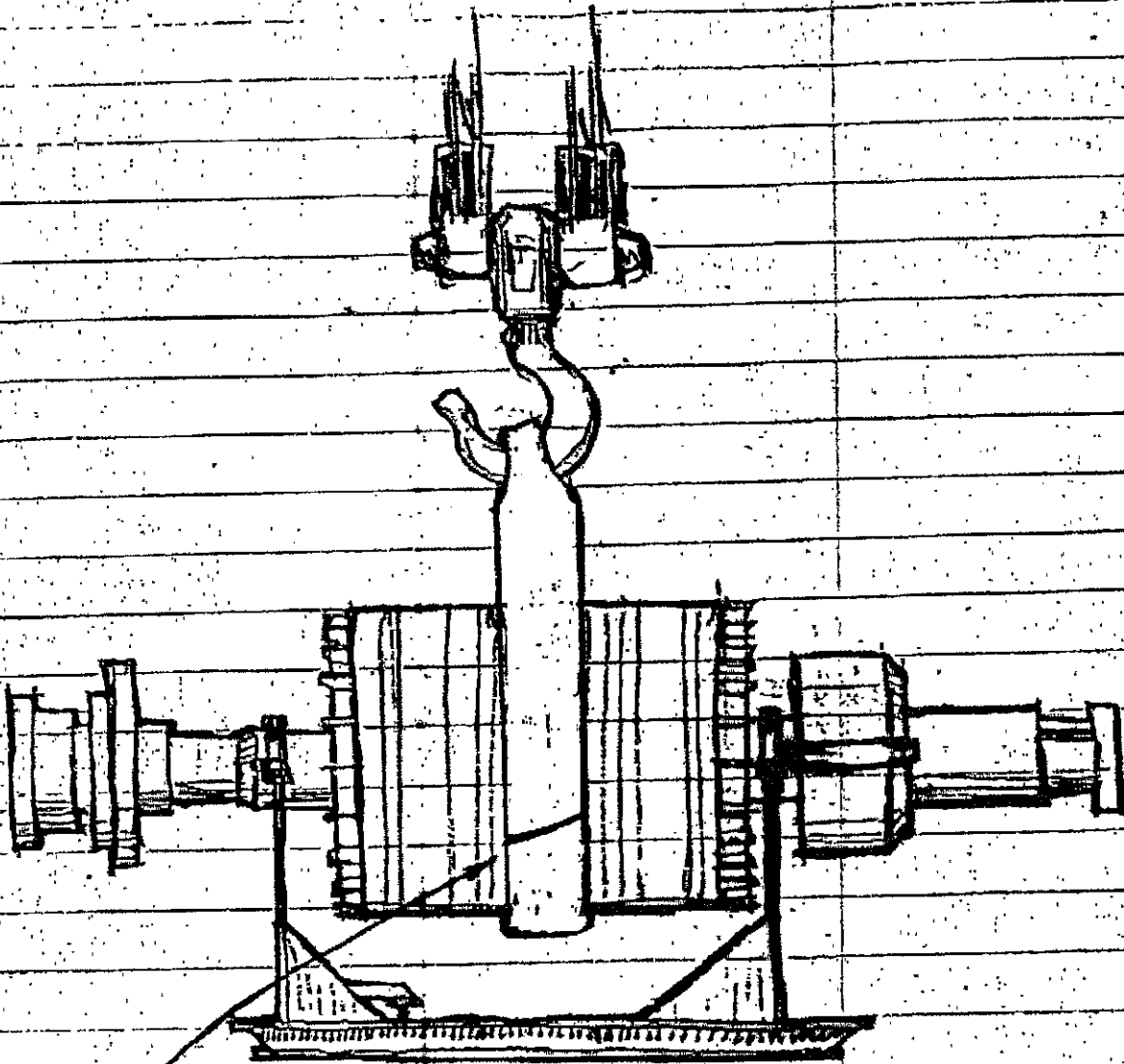
If you have any questions regarding this bulletin, please call Dave McGuan at extension 623.

*Dave McGuan*  
 Dave McGuan, Safety Supv.  
*Denny Robertson*  
 Property Cons. Coord.

*Roger Powers*  
 Roger Powers,  
 Mech. Maint. Supv.

*Al Dakin*  
 Al Dakin,  
 Maint.

Exhibit 11B



○ APPROXIMATED ANGLE AND LOCATION OF  
NYLON SLING FAILURE 8/25/92

Exhibit 12

**SIGNATURE OF APPLICANT**

By signing this application, the applicant certifies that he or she has: (1) published the public notice form once in a newspaper circulated in the area where the project is located, (2) sent a copy of the public notice form to the owners of property abutting the land upon which the project is located, (3) sent a copy of the public notice form to the chief municipal officer and chair of the municipal planning board of the municipality in which the project is located (4) filed a complete copy of this application in the municipal office of the municipality in which the project is located, (5) reviewed the instructions contained in this application form, and (6) reviewed the appropriate state laws that relate to the proposed project.

I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I, the property owner or lessee, authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

DATE: 12/16/2010NAME: Perry D. Dargatz  
(Applicant)TITLE: Environmental Manager  
(If other than applicant, attach letter of agent authorization.)

**PLEASE SEE ATTACHED FEE SCHEDULE TO DETERMINE THE APPLICATION FEE FOR  
FOR AN AMENDMENT TO YOUR FACILITY LICENSE.**

Exhibit #13

VERSO BUCKSPORT LLC  
 BUCKSPORT, HANCOCK COUNTY, MAINE  
 INCREASE IN LICENSED FINAL ELEVATION  
 SPECIAL WASTE LANDFILL  
 #S-007713-WD-BB-A  
 (APPROVAL WITH CONDITIONS)

27 SOLID WASTE  
 ) LICENSE

)  
 )  
 )  
 ) AMENDMENT  
 )

16. Verso shall submit revisions to the environmental monitoring plan addressing pore-water sampling along Smelt Brook to the Department for review and approval at least 12 months prior to construction of the first vertical increase cell.
17. At least 12 months prior to vertical increase operation, Verso shall submit, for review and approval, a revised operations manual addressing staff comments during review of the vertical increase, including the following:
  - Action levels for the geotechnical monitoring program;
  - A revised gas monitoring plan including new as well as existing probes; and
  - A revised Action Leakage Rate/Response Action Plan.
18. Verso shall provide a revised environmental monitoring plan to the Department for review and approval at least 12 months prior to vertical increase operation, including leak detection system monitoring, vertical increase leachate characterization, pore-water sampling along Smelt Brook, and a revised gas monitoring plan.
19. The invalidity or unenforceability of any provision, or part thereof, of this license shall not affect the remainder of the provision or any other provisions. This license shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

DONE AND DATED AT AUGUSTA, MAINE, THIS 18<sup>th</sup> DAY  
 OF JANUARY, 2012.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 

PATRICIA W. AHO, COMMISSIONER

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

Date of initial receipt of application: December 29, 2010

Date of acceptance: January 21, 2011

Date filed with Board of Environmental Protection:

XKK72938/emb

